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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,499	11/14/2001	Ligui Zhou	0179.0029	3237

7590 07/23/2004

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EXAMINER

MAKI, STEVEN D

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/001,499

Applicant(s)

ZHOU ET AL.

Examiner

Steven D. Maki

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☒ Applicant's reply has overcome the following rejection(s): see advisory action attachment.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-25, 27-28, 30, 32-33 and 36-37.

Claim(s) objected to: _____

Claim(s) rejected: 26, 29, 31, 34, 35 and 38.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 070604.
10. ☐ Other: _____

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Advisory Action Attachment

new issues

The new issues are (1) in claims 26 and 35, changing "tetrafunctional epoxy" to --tetraglycidyl-diaminodiphenyl-methane--, (2) changing dependency of claim 29 from "claim 26" to --claim 1-- and (3) changing dependency of claim 38 from "claim 35" to --claim 17--.

information disclosure statement

With respect to US 5972810 and EP 392348, the information disclosure statement filed 7-6-04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because:

(1) The information disclosure statement filed 7-6-04 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e).

and

(2) The information disclosure statement filed 7-6-04 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p).

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

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It is noted that applicant may file a RCE under 37 CFR 1.114 to have the information considered by the examiner. See "Requests for Continued Examination Under 37 CFR 1.114" on page 600-119 of MPEP 609 (August 2001).

With respect to EP 927737 and EP 819723, these references, which have already been considered, have been crossed off the PTO 1449 filed 7-6-04 since they are already listed on the PTO 1449 filed 2-15-02.

remarks

In view of the statement at the bottom of page 9 of the response filed 7-6-04, Zhou et al '910 and Zhou et al '257 have been excluded as prior art under 35 USC 103(c). Accordingly, the 35 USC 103 rejection set forth in paragraph 7 of the last office action dated 4-16-04 is withdrawn and claims 27-28, 32-33 and 36-37 are allowed.

Claims 29, 34 and 38 are rejected under 35 USC 112 first paragraph for the reasons given in the last office action. Claim 34, which was inadvertently omitted from the heading in paragraph 3 of the last office action, must be included in the above noted 112 first paragraph rejection since claim 34 is dependent on claim 29.

The 35 USC 102(e) rejection of claims 26, 31 and 35 stands since applicant cannot rely on the prior art exclusion under 35 USC 103(c) to overcome a 35 USC 102(e) rejection.

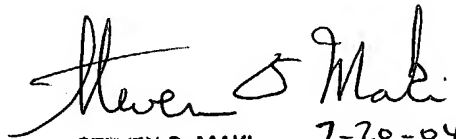
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
July 20, 2004


STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
AU 1733
7-20-04